

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RICKY WHITMORE,

Plaintiff,

v.

ELMEACO MALLORY, et al.,

Defendants.

Case No. 2:15-cv-2838

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth P. Deavers

ORDER

This matter is before the Court for consideration of the Magistrate Judge's October 19, 2015 Order and Initial Screen Report and Recommendation. (ECF No. 5.) The Magistrate Judge recommended that the Court dismiss this case for failure to state a claim upon which this Court can grant relief. The Order and Initial Screen Report and Recommendation advised Plaintiff that a failure to file a timely objection would result in a waiver of the right to *de novo* review by the Court and waiver of the right to appeal the judgment of the Court. (*Id.* at Page ID # 22.) No objections have been filed, the time for filing objections has expired, and the Magistrate Judge's reasoning is correct. The Court therefore **ADOPTS** the Order and Initial Screen Report and Recommendation and **DISMISSES** this action pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Clerk shall enter judgment accordingly and terminate this case on the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE